

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DON C. SANDERS,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

No. 1:20-cv-00222-AWI-SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION WITHOUT PREJUDICE

(Doc. 15)

Plaintiff Don C. Sanders is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 16, 2020, the assigned magistrate judge issued an order to show cause, within 21 days, why this action should not be dismissed for failure to exhaust administrative remedies. (Doc. 14.) The judge found that “[i]t is clear on the face of his complaint that Plaintiff failed to exhaust ... prior to filing suit.” (*Id.* at 2.) Plaintiff failed to respond to the order to show cause.

Therefore, on July 27, 2020, the magistrate judge filed findings and recommendations, recommending that this action be dismissed without prejudice for Plaintiff’s failure to exhaust administrative remedies. (Doc. 15.) The magistrate judge provided Plaintiff 14 days to file objections to the findings and recommendations. (*Id.* at 2-3.) Plaintiff has not filed any objections and the time to do so has passed.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
2 *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings
3 and recommendations to be supported by the record and proper analysis.

4 Accordingly, the Court ORDERS:

- 5 1. The findings and recommendations filed on July 27, 2020 (Doc. 15) are
6 ADOPTED in full;
- 7 2. This action is DISMISSED without prejudice for failure to exhaust administrative
8 remedies; and,
- 9 3. The Clerk of the Court is directed to close this case.

10 IT IS SO ORDERED.

11 Dated: September 9, 2020

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13 SENIOR DISTRICT JUDGE
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